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January 18, 2008

Via Facsimile

Judge Charles L. Brieant
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Liberty Mutual Insurance Company v. Columbus Construction Corp.,
Canal Asphalt, Inc. and August M. Nigro
Case No.: 07-CV-2857 (CLB)

Dear Judge Brieant:

This firm represents plaintiff Liberty Mutual Insurance Company in the above-referenced action. As Mr. Zinner (who represents the defendants in the lawsuit) and I advised your law clerk, Mary, by telephone this morning, the parties have agreed in principal to settle this action. I will prepare a proposed stipulation of settlement, and will submit it to counsel for the defendants for his review in the next few days.

At the Case Management Conference on December 7, 2007, Your Honor gave us a briefing schedule in connection with the plaintiff's intended motion for summary judgment. Pursuant to that schedule, plaintiff was to file its motion on or before

WOLFF & SAMSON PC

Judge Charles L. Brieant
January 18, 2008
Page 2

February 14, 2008; opposition papers were due by February 28, 2008; and reply papers were due by March 14, 2008. While counsel believe that the settlement will soon be consummated, and that no motion will be necessary, we request that the Court suspend or extend the briefing schedule so that the parties may concentrate their efforts on finalizing the terms of the settlement.

Thank you for your attention to our request, to which Mr. Zinner has consented.

Respectfully,



DARRYL WEISSMAN

DW:lb

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